THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27624 OF 2007

Date: 26.12.2007

Between:

Chintam Reddy Subba Reddy and others

. . .Petitioners

AND

The Government of Andhra Pradesh and others

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27624 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not either paying compensation to the petitioners for acquisition of their lands of Ac.4.11 cents comprised in Survey No.249 of Malinenipatnam Village, Atlur Mandal, Kadapa District, covered by Reach No.12 or depositing the same in civil Court as prescribed under Section 31 of the Land Acquisition Act, 1894 (for short 'the Act') as illegal and consequently, direct the respondents to pay the compensation for the said lands with statutory interest as prescribed under Section 34 of the Act.

The petitioners claim that the land of an extent of Ac.4.11 cents belonging to them was acquired and award, dated 30.03.1994 was passed. It is, however, mentioned in the award that during the award enquiry, no one has claimed the compensation for the land and, therefore, the amount of compensation due on the land is kept in civil Court deposit. On the petitioners approaching respondent No.2, he addressed letter, dated 03.11.2006 to respondent No.3 in this regard. Respondent No.3 in turn addressed letter, dated 17.11.2006 to the learned Senior Civil Judge, Rajampet, wherein it is mentioned that verification of cash book and cheque book revealed that cheque bearing No.133830, dated 31.03.1994 was deposited in the Subordinate Court, Rajampet and he, therefore, requested the learned Senior Civil Judge to verify and inform the office whether the same is available. A reminder was given by respondent No.3 on 05.02.2007 to the learned Senior Civil Judge. On 22.03.2007, the learned Senior

Civil Judge replied to respondent No.3, wherein he had stated that it is not revealed from the verification of the record that any amount was received through the alleged cheque, dated 31.03.1994 for a sum of Rs.1,23,985/-. As the matter rested there at, the present writ petition is filed.

Heard Sri P.Sridhar Reddy, learned counsel for the petitioners and the learned Assistant Government Pleader for Land Acquisition.

In award, dated 30.03.1994, it is specifically mentioned that the land in dispute stands in the name of the petitioners herein and that since the amount of Rs.1,23,985/- has not been claimed during the award enquiry, the same is kept in civil Court deposit. Letter, dated 22.03.2007 clearly reveals that no such amount has been in deposit before Subordinate Court, Rajampet.

In the above circumstances, the writ petition is disposed of with the direction to respondent No.2 to immediately cause verification of the claim of the petitioners and determine whether the amount of Rs.1,23,985/- was deposited before civil Court and received by the petitioners or any other persons claiming through them. If it is found that no such amount has been deposited or that even if the amount is deposited, no person has been paid, the said amount of Rs.1,23,985/- awarded under award No.11 of 1994, dated 30.03.1994 shall be paid to the petitioners within a period of eight weeks from the date of receipt of the order.

C.V.NAGARJUNA REDDY, J

26th DECEMBER, 2007

Note: furnish c.c. in one week.

B/o

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